

City of Edgerton, Kansas
Minutes of City Council Regular Session
October 14, 2021

A Regular Session of the City Council (the Council) was held in the Edgerton City Hall, 404 E. Nelson, Edgerton, Kansas on October 14, 2021. The meeting convened at 7:00PM with Mayor Roberts presiding.

1. ROLL CALL

Clay Longanecker	present
Josh Lewis	present
Josh Beem	present via phone
Jody Brown	present

With a quorum present, the meeting commenced.

Staff in attendance:

- City Administrator Beth Linn
- City Attorney Lee Hendricks
- City Clerk Alexandria Clower
- Finance Director Karen Kindle
- Accountant Justin Vermillion
- Development Services Director Katy Crow
- Public Works Director Dan Merkh
- CIP Manager Brian Stanley
- Marketing & Communications Manager Kara Banks

2. WELCOME

3. PLEDGE OF ALLEGIANCE

Consent Agenda *(Consent Agenda items will be acted upon by one motion unless a Council member requests an item be removed for discussion and separate action)*

4. Approve Minutes from September 23, 2021 Regular City Council Meeting
5. Approve Large Animal Permit for Homer M. & Billie K. Damet, 202 W 8th St.
6. Approve Large Animal Permit for Marvin Vail, 1405 W 8th St.
7. Approve Large Animal Permit for Galez Trust (Sergio Galez, Trustee), 1300 W Braun St.

Councilmember Longanecker moved to approve the consent agenda, seconded by Councilmember Brown. The Consent Agenda was approved, 4-0.

Regular Agenda

8. **Declaration.** There were no declarations made by the Governing Body.
9. **Public Comments.** There were no public comments made.

Business Requiring Action

10. CONSIDER AGREEMENT WITH GARDNER DISPOSAL FOR SOLID WASTE COLLECTION AND DISPOSAL SERVICES

Ms. Karen Kindle, Finance Director, addressed the Council. She stated the City has been in contract with Gardner Disposal since 2015, with renewals in between. She stated the City held a bid opening and received one bid, which was from Gardner Disposal. The bid received is the same as previous years, with a few price changes including street sweeper debris disposal and sludge removal costs. She stated the city offered the ability to use a third party for sludge removal, and Gardner Disposal chose to bid this service in-house. She stated the City pays half of the residential trash service bills. She stated if the Council would like to continue with these same services, the City does not have to adopt a new resolution.

Councilmember Longanecker asked if the long term costs would be higher thanks to the price increases for sludge and street sweeper debris removal.

Ms. Kindle stated the City would have to monitor at what point the sludge disposal gets close to the 6 ton mark before the price increases per ton.

Mayor Roberts stated he was pleased that this contract would mean 6 years straight at \$15 dollars a month for residential services.

Councilmember Longanecker stated over the years and the different providers the city has had, he believes Gardner Disposal has done the best job. He stated he would like to keep the residential services the way they are.

Mayor Roberts stated he would also like to keep the 50 percent cost share with the residents.

Councilmember Longanecker asked if there would still be the large item pick-up weekly, etc. for residential.

Mayor Roberts stated the contract did not change and they will still continue to have the yearly City Wide Clean-Up, dumpsters at Frontier days and 3rd of July.

There were no further questions or comments from the Councilmembers.

Councilmember Lewis moved to approve the Agreement with Gardner Disposal for Solid Waste Collection and Disposal Services, seconded by Councilmember Longanecker. The Agreement was approved, 4-0.

11. CONSIDER RESOLUTION NO. 10-14-21A PROVIDING FOR NOTICE OF A PUBLIC HEARING TO CONSIDER ADOPTION OF REDEVELOPMENT PROJECT PLAN B1 FOR THE HOMESTEAD LANE RETAIL TIF DISTRICT

Ms. Beth Linn, City Administrator, addressed the Council. She stated a previous resolution, 09-23-21C, approved at the last Council meeting set an incorrect date for the public hearing. She stated this resolution corrects that error and sets the public hearing for the correct date in November.

There were no questions or comments made from the Governing Body.

Councilmember Longanecker moved to approve Resolution No. 10-14-21A, seconded by Councilmember Brown. The Resolution was approved, 4-0.

12. PUBLIC HEARING TO CONSIDER A POSSIBLE DANGEROUS AND UNFIT STRUCTURE EXISTING AT 707 W. NELSON STREET, #112 IN THE CITY OF EDGERTON, JOHNSON COUNTY, KANSAS PURSUANT TO CITY OF EDGERTON CITY CODE, CHAPTER IV, ARTICLE 4, SECTION 4-407

Ms. Katy Crow, Development Services Director, addressed the Council. She stated the item before Council is related to a lot at the mobile home park, where a fire occurred on May 18th. She stated after the fire, there was a walk through at the facility by the fire department, city building inspector, etc. that determined the mobile home was uninhabitable and unable to be used. She stated at this time, the city set a deadline of August 2nd for the owner to determine if they would like to repair or remove the structure. At that time, the owners/tenants were unable to say what they would like to do. She stated to keep the process moving forward, it was decided to bring forward a resolution that would set a time for a public hearing, which was tonight. She stated the lot owner has thus far been unable to secure a contractor to take care of the mobile home and remove it from the lot, but he will be speaking with another one this weekend. She stated the owner did request an additional 30 days from tonight to remove the structure. She stated once the determination is made, staff could come back with a resolution for a final date.

Councilmember Longanecker said it looks like they have hauled a bunch of debris off the lot but wanted to know if the windows are boarded up again, etc. to keep people out of the house.

Ms. Crow stated to be able to work on the house and remove items, etc. they may have removed the boards for ventilation. She stated before he started work, it was boarded and secured.

Councilmember Longanecker stated he was just concerned for kids getting in there and causing trouble.

Ms. Crow stated it is her understanding that the entire floor has been burned through, so there shouldn't be any problem with people being able to enter and be in the building.

Councilmember Longanecker asked if there could be signs put up that tell people to keep out. He stated he is fine with allowing extra time, but would like to see some signs up to help deter people from entering the site.

Mayor Roberts stated he would like to open the public hearing at this time.

The public hearing opened at 7:14PM.

The public hearing then closed at 7:15PM with no comments or questions made by the public.

Councilmember Brown stated he would like to see 30 days granted to the owner for removal.

Councilmember Longanecker stated he would like signs to warn people to keep out.

Ms. Crow asked if the Governing Body would like to have staff or the owner of the property post the signs.

Mayor Roberts asked the City Attorney what the City's ability is from a legal perspective.

Mr. Hendricks stated he would recommend the city pass a final resolution that states the dwelling is unfit and give a time frame for the structure to be removed, and if it is not down by that time then the city can clean-up the lot and bill the owner. The owner would have 30 days to pay, or it goes on the tax bill.

Mayor Roberts asked if signage, boarding, etc. can be mandated.

Mr. Hendricks stated the city can, however, he questioned how the city could enforce it. He stated he would recommend the city pass a resolution that sets a time frame and says the dwelling is unfit and sets 30 days for the structure to be removed. He stated this does not mean on the 31st day the city has to go out and remove the structure, but the city at that time, would have the right to do so.

Mayor Roberts stated this would be his recommendation as well. He stated the city has been through this process before and it can drag out.

Mr. Hendricks said he thinks having a paper in hand with this resolution would help move the process forward a little quicker.

Mayor Roberts stated he thinks the owner will take care of it, but this would allow the City to make sure the property is cleaned up and safe.

Mayor Roberts requested a motion to empower the Mayor to sign Resolution No. 10-14-21B deeming the property at 707 W Nelson, Lot 112, an unfit dwelling and setting a 30-day deadline for ownership to demolish and remove the unfit structure.

Councilmember Brown moved to approve the motion as mentioned above, seconded by Councilmember Longanecker. The motion was approved, 4-0.

13. Report by the City Administrator

Ms. Beth Linn, City Administrator, addressed the Council. She stated staff and Council had set a date for a work session related to stormwater best practices. She stated she would like to report that staff has met with the Kansas Department of Health and Environment, Bureau of

Water, and they plan to tour the City of Edgerton, in particular Logistics Park Kansas City. After this meeting, Tom Stiles with KDHE gave positive feedback related to work done with the stormwater management in and around LPKC, writing in an email, "I'll confirm that after our conversation, our approach has shifted from regulatory to watershed management. The tour will help broaden our understanding of the practices and controls in place that abate pollutant loadings coming off site."

Ms. Linn stated KDHE will be a great partner to help the City identify a multitude of stormwater best practices that identify what would best fit Edgerton related to new development.

Mayor Roberts stated in that meeting that Mr. Stiles was impressed that Edgerton goes above and beyond what cities this size are required to do. He stated it is beneficial for the Governing Body and community to know that as well. He stated there have been some comments made in the public that Edgerton is harming the watershed. Actually, Edgerton implements stronger stormwater practices than what is required by law. He stated the City cares about what happens to Hillsdale Watershed because that is where the city gets its drinking water.

Mayor Roberts stated ultimately, KDHE is the regulatory body, so who better to have help guide Edgerton than the agency that regulates and enforces it.

There were no further questions or comments.

14. Report by the Mayor. The Mayor had no report to give at this time.

15. Future Meeting Reminders:

- October 28th: City Council Work Session (Wastewater Master Plan) – 6:00 PM
- October 28th: City Council Meeting – 7:00PM
- November 9th: Planning Commission Meeting – 7:00PM
- November 18th: City Council Work Session (Stormwater Master Plan) – 6:00 PM
- November 18th: City Council Meeting – 7:00PM
- December 9th: City Council Meeting – 7:00PM
- December 14th: Planning Commission Meeting – 7:00PM

Mayor Roberts requested to have an executive session for an Attorney Client Privilege to include City Attorney, City Administrator and Public Works Director for Safety and Security Concerns. He stated after the executive session, there could potentially be action taken, but any motions would happen in open session.

He asked Councilmember Beem if he was alone and would remain alone throughout the executive session. Councilmember Beem confirmed.

Mayor Roberts requested motion to recess into executive session to discuss safety and security concerns for 20 minutes.

Councilmember Brown moved to recess into executive session, seconded by councilmember Lewis. The meeting recessed into executive session at 7:31PM, 4-0.

Councilmember Brown moved to return to open session with no action being taken to request an additional 10 minutes. Councilmember Lewis seconded the motion. The executive session resumed at 7:51 PM, 4-0.

Councilmember Brown moved to return to open session with no action being taken to request an additional 5 minutes. Councilmember Lewis seconded the motion. The executive session resumed at 8:01 PM, 4-0.

Councilmember Longanecker moved to return to open session with no action being taken. Councilmember Brown seconded the motion. The open meeting resumed at 8:06 PM, 4-0.

16. Adjourn

Councilmember Brown moved to adjourn, seconded by Councilmember Lewis. All in favor. The meeting was adjourned at 8:06 PM.

Submitted by Alexandria Clower, City Clerk

EVENTS

October 20th: Senior Lunch & BINGO
October 30th: Mildale Farm Fall Festival
October 31st: SpookEton Halloween Fest
November 1st: Candle Making
November 5th: Trivia Night at White Tail Run Winery to
Benefit the Mayors Christmas Tree Fund
November 9th: Tales for Tots
November 17th: Senior Lunch & BINGO
December 3rd: Mayor's Christmas Tree Lighting Ceremony
December 14th: Tales for Tots
December 15th: Senior Lunch & BINGO